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10/825,972	04/16/2004	Andrew Michael Allen	291010-00036	8222

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EXAMINER

MANOHARAN, MUTHUSWAMY GANAPATHY

ART UNIT	PAPER NUMBER
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2617

MAIL DATE	DELIVERY MODE
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09/30/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/825,972

Applicant(s)

ALLEN ET AL.

ExaminerMUTHUSWAMY G.
MANOHARAN**Art Unit**

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 May 2008.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 65-117 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 65-117 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

In view of the Appeal filed on 7/15/2008In view of the PROSECUTION IS
HEREBY REOPENED. New grounds of rejections are set forth below.

To avoid abandonment of the application, appellant must exercise one of the
following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply
under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed
by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and
appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth
in 37 CFR 41.20 have been increased since they were previously paid, then appellant
must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by
signing below:

/George Eng/

Supervisory Patent Examiner, Art Unit 2617

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that
form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by
another filed in the United States before the invention by the applicant for patent or (2) a patent
granted on an application for patent by another filed in the United States before the invention by the

applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 65-71,74,75,79-81,83,84,86,87,94-100,103-110,113,114 and 116

rejected under 35 U.S.C. 102(e) as being anticipated by over Torvinen et al.

(hereinafter Torvinen) (US 2005/0113123)

Regarding **claim 65**, Torvinen teaches a method of creating and managing a group of mobile stations for a communication session in a communications network, the communication session being one in which users of respective mobile stations communicate with one another, the method comprising:

Publishing information about one or more particular users of respective mobile stations to the communications network (item 510 in Figure 5,"location information is communicated by participating terminals", Paragraph [0062], "application management component may receive ... chat group definitions", Paragraph [0068]; Further the capability information is known to the network ("group management server is adapted to compare location information and capability information associated with each of the plurality of terminals", Paragraph [0011]) and requires information related to the capability being published by the users of the mobile stations at the application management component, "the qualifying terminals have previously met group service definitions, Paragraph [0014], therefore, the information is provided to the network by the mobile stations); and

receiving at least one rule defining a member of the group, the at least one rule defining group members based on criteria comprising published information about

respective users of mobile stations, the at least one rule being received in association with a group address (Paragraph [0013], lines 8-10; Paragraph [0016], lines 8-13); and

dynamically populating the group with members, the populating comprising: determining mobile stations having respective users that matches the published information criteria of the at least one rule ("wish to form a group with each other for a certain time, purpose and location", Paragraph [0029], lines 7-11); and populating the group with the mobile stations having respective users matches the published information criteria of the at least one rule (Paragraph [0014], lines 9-14).

Regarding **claim 68**, Torvinen further teaches the method of claim 65, wherein the criteria of the at least one rule comprises location information of respective users of mobile stations (Paragraph [0029], line 5; Paragraph [0016], lines 8-12). The limitation regarding publication is already discussed in claim 65.

Regarding **claim 69**, Torvinen teaches the method of claim 65, wherein the at least one rule is further defined by a group of pre-selected mobile stations from which to define the group ("**qualifying terminals have previously met the group service definitions**", Paragraph [0014]).

Regarding **claim 70**, Torvinen teaches the method of claim 65, wherein the at least one rule further defined by additional criteria comprising location information about mobile stations managed by the communications network, the step of dynamically populating the group further comprising:

determining if the location information about the one or more particular mobile stations matches the location information criteria of the at

least one rule (Paragraph [0016], lines 8-12); and wherein the group is populated with members consisting of mobile stations having respective users with published information on the communications network and location information that matches the criteria and location information criteria of the at least one rule respectively ("wish to form a group with each other for a certain time, purpose and location", Paragraph [0029], lines 7-11 Paragraph [0014], lines 9-14). The limitation regarding publication is already discussed in claim 65.

Regarding **Claim 71**, Torvinen further teaches the method of claim 70, wherein the location information about the one or more particular mobile stations is stored on one or more network servers (Figure 3, Paragraph [0050]).

Regarding **Claim 74**, Torvinen teaches the method of claim 65, further comprising sending a notification to each member of the group in response to the populating, the notification identifying the respective mobile station or its user as a member of the group (Paragraph [0014], lines 7-9).

Regarding **claim 75**, Torvinen teaches the method of claim 74, wherein the notification identifying at least some of the other mobile stations or users of respective membership as members of the group (Paragraph [0014], lines 7-9).

Regarding **claim 79**, Trovinen further the method of claim 65, comprising receiving two or more rules defining a member of the group, the two or more rules being received in association with a common group address, the group being dynamically populated with members in accordance with the two or more rules and at least the published information about the one or more particular users on the

communications network (Abstract). Published information has been discussed in claim 65.

Regarding **claim 80**, Torvinen further teaches the method of claim 79, wherein one of the two or more rules is defined by criteria comprising location information managed by the communications network, the group being dynamically populated with members in accordance with the two or more rules, published information about one or more particular users on the communications network, and location information about one or more particular mobile stations of the communications network (Abstract). Published information has been discussed in claim 65.

Regarding **Claim 81**, Torvinen teaches the method of claim 65, wherein the step of determining comprises requesting and receiving notification of one or more particular mobile stations which match the at least one rule (Paragraph [0063,65]).

Regarding **claim 82**, Torvinen teaches the method of claim 81, wherein the step of determining comprises requesting and receiving notification that no particular mobile stations match the at least one rule (Paragraph [0060], lines 6-9; Paragraph [0071], lines 12-19).

Regarding **claim 83**, Torvinen teaches the method of claim 81, further comprising subscribing to at least one server which provides notification that one or more particular mobile stations match the at least one rule ("notification to qualifying terminals", Paragraph [0064]).

Regarding **claim 84**, Torvinen teaches the method of claim 83, further comprising determining an address for each of the at least one server for subscribing, the address being determined from a resource list of addresses for such servers (Paragraph [0066]).

Regarding **claim 86**, Torvinen teaches, the method of claim 65, further comprising maintaining the group, removing one or more particular mobile stations or users as a member of the group in accordance with the at least one rule (Paragraph [0071])

Regarding **claim 87**, Torvinen teaches the method of claim 86, further comprising receiving notification that one or more particular mobile stations or users no longer matches the at least one rule (Paragraph [0071]).

Claim 113 is rejected for the same reason as set forth in claim 65.

Claim 114 is rejected for the same reason as set forth in claims 65 and 70.

Regarding **claim 115**, Torvinen teaches the method of claim 114, wherein the publishing step comprises publishing an interest in participating in a particular dynamic group or an interest in participating in dynamic groups generally (Paragraph [0057]).

Claim 116 is rejected for the same reason as set forth in claim 67.

Regarding **claim 117**, Trovinen teaches the method of claim 114, wherein mobile stations are determined from a subset of pre-selected mobile stations or pre-selected users of the mobile stations ("location based group service", "previously met the group service definition", "form a group with each other fro a certain time, purpose and

location", Paragraphs [0014,0029]; "location based gaming", "gaming enabled terminals"; Paragraph [0053]).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 72 and 73 are rejected under 35 U.S.C. 103(a) as being unpatentable over Torvinen et al. (hereinafter Torvinen) (US 2005/0113123) in view of Amir (WO 01/97539).

Regarding **claim 66**, Torvinen teaches all the particulars of the claim except, wherein the published information criteria of the at least one rule comprises at least one characteristic of respective users of mobile stations. However, Amir teaches in an analogous art, the method, wherein the published information criteria of the at least one rule comprises at least one characteristic of respective users of mobile stations (Abstract). Therefore, it would be obvious to one of ordinary skill in the art at the time of invention to use the method, wherein the published information criteria of the at least one rule comprises at least one characteristic of respective users of mobile stations. This type of method it acts as a filter, since it tries to organize group among subscribers with similar characteristic.

Regarding **claim 67**, Torvinen teaches all the particulars of the claim except wherein the published information criteria of the at least one rule comprises at least one personal preference and/or at least one common interest of respective users of mobile stations. However, Amir teaches in an analogous art, the method, wherein the published information criteria of the at least one rule comprises at least one personal preference and/or at least one common interest of respective users of mobile stations (Abstract, Page 9, lines 18-29). Therefore, it would be obvious to one of ordinary skill in the art at the time of invention to use the method, wherein the published information criteria of the at least one rule comprises at least one personal preference and/or at least one common interest of respective users of mobile stations. This type of method it acts as a filter, since it tries to organize group among subscribers with similar characteristic.

Regarding **claim 72**, Torvinen in view of Fraccaroli teaches all the particulars of the claim except the method of claim 70, wherein the location information about the one or more particular mobile stations is stored on one or more network servers in Xtensible Markup Language (XML) format. However, Amir teaches in an analogous art, method of claim 70, wherein the location information about the one or more particular mobile stations is stored on one or more network servers in Xtensible Markup Language (XML) format (Page 5, lines 14-20). Therefore, it would be obvious to one of ordinary skill in the art at the time of invention to use method of claim 70, wherein the location information about the one or more particular mobile stations is stored on one or more network servers in Xtensible Markup Language (XML) format. This

modification helps to facilitate the sharing of data across different information systems, particularly systems connected via the Internet.

Claim 73 is rejected for the same reason as set forth in claim 72.

Claims 76-78 are rejected under 35 U.S.C. 103(a) as being unpatentable over Torvinen et al. (hereinafter Torvinen) (US 2005/0113123) in view of Griffin et al. (hereinafter Griffin) (US 7072941).

Regarding **claim 76**, Torvinen teaches all the particulars of the claim except the method, wherein the notification excludes anonymous members of the group. However, Griffin teaches in an analogous art wherein the notification excludes anonymous members of the group (Col. 9, lines 40-44). Therefore, it would be obvious to one of ordinary skill in the art at the time of invention to use the method wherein the notification excludes anonymous members of the group in order to have selective notification to only members of the group.

Regarding **claim 77**, Torvinen teaches all the particulars of the claim except the method, further comprising sending a notification to each member of the group identifying an anonymous member of the group when the anonymous member actively participates in the group. However, Griffin teaches in an analogous art except the method, further comprising sending a notification to each member of the group identifying an anonymous member of the group when the anonymous member actively participates in the group (Col. 9, lines 40-44). Therefore, it would be obvious to one of ordinary skill in the art at the time of invention to use the method, further comprising

sending a notification to each member of the group identifying an anonymous member of the group when the anonymous member actively participates in the group. This limitation is well known in the art.

Regarding **claim 78**, Torvinen teaches all the particulars of the claim except anonymous members. However, Griffin teaches in an analogous art, anonymous members (Col. 9, lines 40-44). Therefore, it would be obvious to one of ordinary skill in the art at the time of invention to have the anonymous members in the group with temporary ID's. This limitation is well known in the art.

Claim 85 is rejected under 35 U.S.C. 103(a) as being unpatentable over Torvinen in view of Laiho (US 6097942).

Regarding **claim 85**, Torvinen teaches all the particulars of the claim except the method, further comprising receiving notification of individual matching mobile stations as the individual matching mobile stations are determined by said at least one service to hasten the populating. However, Laiho teaches in an analogous art except the method of claim comprising receiving notification of individual matching mobile stations as the individual matching mobile stations are determined by said at least one service to hasten the populating (Abstract, lines 24-31; Col. 2, lines 33-41; lines 57-60). Therefore, it would be obvious to one of ordinary skill in the art at the time of invention to use the method of claim comprising receiving notification of individual matching mobile stations as the individual matching mobile stations are determined by said at least one service to hasten the populating. This modification provides an efficient method of managing group communication.

Claims 86 are rejected under 35 U.S.C. 103(a) as being unpatentable over Torvinen in view of Chandhok et al. (hereinafter Chandhok) (US 2004/0198376).

Regarding **claim 86**, Torvinen teaches all the particulars of the claim except the method of claim 65, further comprising receiving a change of the at least one rule and managing the members of the dynamic group in accordance with the change wherein the step of managing comprises at least one of adding and removing members to the group. However, Chandhok teaches in an analogous art, the method of claim 65, further comprising receiving a change of the at least one rule and managing the members of the dynamic group in accordance with the change wherein the step of managing comprises at least one of adding and removing members to the group (Paragraph [0022], line 6-7). Therefore, it would be obvious to one of ordinary skill in the art at the time of invention to use the method of claim 65, further comprising receiving a change of the at least one rule and managing the members of the dynamic group in accordance with the change wherein the step of managing comprises at least one of adding and removing members to the group. This modification makes the rule very flexible (dynamic).

Claims 89-92 are rejected under 35 U.S.C. 103(a) as being unpatentable over Torvinen (US 2005/0113123) in view of Leigh et al. (US 5535426).

Regarding **claim 89** Torvinen teaches all the particulars of the claim except the method further comprising extending a search for mobile stations matching the at least one rule. However, Leigh teaches in an analogous art, the method of claim 37, further comprising extending a search for mobile stations

matching the at least one rule (Abstract, Col. 1, lines 21-50; Col. 2, lines 10-21; Col. 3, lines 17-24). Therefore, it would be obvious to one of ordinary skill in the art, at the time of invention to use the method of extending a search for mobile stations matching the at least one rule. This modification provides a way of talk group participation across multiple sites.

Regarding **claim 90**, Leigh further teaches, the method of claim, wherein the subscribing to at least one server extends the search to at least one of different domains and networks (Abstract, Col. 1, lines 21-50; Col. 2, lines 10-21; Col. 3, lines 17-24).

Regarding **claim 91**, Torvinen further teaches one or more of the atleast one server to one or more other such servers (Figure 3; Paragraphs [0050-0052]). Torvinen did not teach specifically the method further comprising extending a search for mobile stations matching the pre-defined rule. However, Leigh teaches in an analogous art, the method of claim 37, further comprising extending a search for mobile stations matching the pre defined rule (Abstract, Col. 1, lines 21-50; Col. 2, lines 10-21; Col. 3, lines 17-24). Therefore, it would be obvious to one of ordinary skill in the art, at the time of invention to use the method of extending a search for mobile stations matching the predefined rule. This modification provides a way of talk group participation across multiple sites.

Regarding **claim 92**, Leigh further teaches the method of wherein the subscribing extends the search for mobile stations to include a home network

and a roaming network of a first mobile station (Abstract, Col. 1, lines 21-50; Col. 2, lines 10-21; Col. 3, lines 17-24).

Claim 93 is rejected under 35 U.S.C. 103(a) as being unpatentable over Torvinen in view of Requena (US2002/0126701).

Regarding **claim 93**, Torvinen further teaches the method of claim 65, wherein the method comprises: receiving a request from a first mobile station to initiate a group communication with at least one second communication device proximate said first mobile station (Paragraph [0055], lines 5-11; Paragraph [0057], lines 1-8). Torvinen did not teach specifically the method, wherein the group comprises a mayday group and the method comprises: populating the mayday group with particular ones of the mobile stations determined response pre-defined rules for the mayday group (Paragraph [0060], lines 9-21) However, Requena teaches in an analogous art populating the mayday group with particular ones of said mobile stations determined response pre-defined rules for the mayday group (Paragraph [0123], line 6). Therefore, it would be obvious to one of ordinary skill in the art at the time of invention to have the method of populating the mayday group with particular ones of said mobile stations determined response pre-defined rules for the mayday. This modification enhances the services provided to the mobile stations.

Claims 94-102 are rejected for the same reason as set forth in **claims 65-73**.

Claims 103-112 are rejected for the same reason as set forth in **claims 65 and 65-73 respectively**.

Response to Arguments

Applicant's arguments are related Fraccaroli are moot in view of new grounds of rejection.

As a further review with Torvinen, it is noted that Torvinen teaches publishing information about one or more particular users of respective mobile stations to the communications network (item 510 in Figure 5, "location information is communicated by participating terminals", Paragraph [0062], "application management component may receive ... chat group definitions", Paragraph [0068]; Further the capability information is known to the network ("group management server is adapted to compare location information and capability information associated with each of the plurality of terminals", Paragraph [0011]) and requires information related to the capability being published by the users of the mobile stations at the application management component, "the qualifying terminals have previously met group service definitions, Paragraph [0014], therefore, the information is provided to the network by the mobile stations). Thus, the ground of rejection is changed.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MUTHUSWAMY G. MANOHARAN whose telephone number is (571)272-5515. The examiner can normally be reached on 7:00AM-2:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eng George can be reached on 571-272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/George Eng/
Supervisory Patent Examiner, Art Unit 2617